GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA

UNSTARRED QUESTION NO:1976
ANSWERED ON:14.03.2017
Supreme Court Judgement on Sovereignty
Kumar Shri Ashwini

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether the Supreme Court of India has recently made a ruling that Jammu and Kashmir (J&K) cannot claim sovereignty outside Indian Constitution and its residents are first and foremost citizens of India;

(b) if so, whether the Government has brought this ruling to the notice of all High Courts in the country; and

(c) if so, the details thereof?

Answer

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS
(SHRI HANSRAJ GANGARAM AHIR)

(a): Yes Madam. The Hon'ble Supreme Court of India in its judgement dated 16th December 2016 in Civil Appeal Nos. 12237-12238 of 2016 and Civil Appeal No.12240-12246 of 2016 titled "State Bank of India & others Vs. Zaffar Ullah Nehru & Anr" has held that "State of Jammu and Kashmir has no vestige of sovereignty outside the Constitution of India and its own Constitution, which is subordinate to the Constitution of India" and that "the residents for Jammu and Kashmir are first and foremost citizens of India".
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LS.US.Q.NO. 1976 FOR DATED 14.03.2017
(b): As per Article 141 of the Constitution of India, the law declared by the Supreme Court is binding on all courts within the territory of India.

As per the Indian Law Reports Act, 1875, only the reports published under the authority of the State are to be cited in Courts. Supreme Court Reports (SCR) is the official Journal of reportable Supreme Court decisions, which is published under the Authority of the Supreme Court of India. Above judgement of the Supreme Court of India has been marked as "reportable" and is also available on the official website of the Supreme Court of India.

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